

Ginna,

Thank you for VUMC's comments, below, and for its constructive feedback throughout the rulemaking process.

I have been asked to respond to the question you posed.

We considered addressing enforcement in the proposed rule, but did not do so because Chapter 11 addresses criteria for approval and denial of applications under TCA 68-11-1609, rather than enforcement under TCA 68-11-1633, which contains enforcement provisions that are controlling. Since the quality standards and enforcement apply to all certificates of need approved after 7/1/2016, the law applies to all activities performed under those certificates of need, and nothing else. Reporting and enforcement would only apply to the expanded portion (e.g., the additional beds or MRI units) of an existing service/program. Though we anticipate it to be impossible or illogical to separate the expanded part of the service from the pre-existing part of the service for the annual reporting, the enforcement provision of the statute would only permit Agency action against the CON issued after 7/1/2016, not other rights pertaining to the service/program.

Please let me know if you have any other questions or comments.

Jim Christoffersen
General Counsel

From: Felts, Ginna [<mailto:ginna.rader@Vanderbilt.Edu>]

Mark,

Good morning. Thank you for the opportunity to respond to the draft emergency rules regarding quality standards. VUMC applauds your efforts on this and fundamentally agrees with the document that you circulated on February 17, 2017.

In addition, VUMC agrees with the use of the annual progress report to monitor those application projections (for staffing, volumes, payers, etc.). We know that the new measures would apply to any new service line, but it is not totally clear to VUMC how HSDA will address the expansion of an existing service/ program. Will the new quality reporting metrics also apply to the "grandfathered-in" service that is being expanded? We would recommend that the rules explicitly provide guidance on that point.

VUMC appreciates the opportunity to comment on these new quality criteria and looks forward to continuing to partner with you on these efforts.

Please let us know if we can help in any way.

Ginna

Ginna Rader Felts, MBA

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